IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Crl.MC.No. 82 of 2007(K)

AGAINST THE ORDER DATED 05/01/2007 IN ORDER IN CRMP.77/2007 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR
CRIME NO. 7 OF 2007 OF PERUMBAVOOR POLICE STATION

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PETITIONER:

K.P. ELIKUTTY, AGED 84 YEARS,
W/O. M.V.VARKEY, MOOLAMKUZHIYIL HOUSE,
VELLOORKUNNAM KARA, VELLOORKUKNNAM VILLAGE,
MUVATTUPUZHA TALUK,REP.BY P/A HOLDER M.V.VARKEY,
S/O.M.V.MARKEY,MOOLAMKUZHIYIL HOUSE,VELLOORKUNNAM
KARA & VILLAGE,MUVATTUPUZHA TALUK,ERNAKULAM DIST.

BY ADV. SRI.C.S.MANU
SRI.ANOOP.V.NAIR

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF
KERALA, DEPARTMENT OF HOME, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, ERNAKULAM.

3. SUB INSPECTOR OF POLICE,
PERUMBAVOOR POLICE STATION.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 82 of 2007

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Dated this the 15th day of January, 2007

O R D E R

The learned Prosecutor, on instructions, submits that the State has no objection now against the vehicle being released to the petitioner, subject to appropriate conditions. He points out that the District Collector has already passed an order imposing a penalty of Rs.20,000/- on the petitioner.

2. Having considered all the relevant inputs, I am satisfied that this Crl.M.C. can be allowed and the vehicle KLK 9456 can be released to the petitioner, subject to the following conditions.

(1) The petitioner shall deposit an amount of Rs.20,000/- before the District Collector as ordered in the order No.M2/1921/07 dt. 12.1.2007. This shall be without prejudice to the right of the petitioner to challenge the said order.

(2) The petitioner shall execute a bond for such amount as may be fixed by the learned Magistrate with two solvent sureties each for the like sum.

(3) The petitioner shall produce the documents before the learned Magistrate to show his right to possess the vehicle.

3. These directions are issued without prejudice to the right of the petitioner to raise his contentions before appropriate forum that he was entitled to undertake transportation of the sand in question.

(R. BASANT)
Judge

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